IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5878 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GOKUL REFRIGERATION

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR UTPAL M PANCHAL for Petitioner

MR MD PANDYA for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 06/09/2000

ORAL JUDGEMENT

Rule. Mr.M. D. Pandya, learned advocate for the respondent waives service of rule. By consent of the parties the matter is taken-up for hearing today.

2. The petitioner has contended that Shri R. M. Atodaria (Member-Invitee-Legal) who is party signatory to

the order of the Appellate Committee was not present at the hearing by the Appellate Committee. The said assertion was mistakenly made because of mistaken identity of the said Hon'ble member with the one practicing Advocate at Surat having identical initials. The petitioner withdraws the allegations and contentions in that behalf and requests that the same may be treated as deleted. The said request is granted.

3. Upon consensus having been arrived at that the petitioner would be permitted to make a representation to the Appellate Committee, only on the point that the reckoning of the hours of work and deductions of days for preparation of revised supplementary Bill be reconsidered, as submitted in the proposal submitted on 11/07/2000 on behalf of the petitioner and on no other points, and that the Appellate Committee would, without being influenced by its previous order consider on merits and in accordance with law the representation to be made within 15 days hereof, if the said Committee is satisfied it would grant appropriate deduction in the sum due and recoverable. It is ordered accordingly. It is further agreed and accordingly directed that the decision upon such representation by the said Committee shall be final and binding and the same would not provide any cause of action for any further proceedings before any forum.

4. The petition stands disposed of in terms of the aboves direction and observations. Rule is discharged. No costs.

(M. S. Shah,J.)

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